

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)  
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES  
**Monday, October 2, 2017**

Village President Pat Kenny called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees Present:** Roll call vote: Trustee Livingston, Trustee Petersen, President Kenny, Trustee McGreevy, Trustee O'Neill, Trustee Pappas, Trustee Prudden

**Also Present:** Greg Blizard, Jeff Cates, Bridget McCarthy, Brett McCollum, Duane Ratay, Chris Schultz, Terry Tavera, Dale Thorpe, Scott Vilon, Tom Whowell

**Visitors Heard**

Greg Blizard asked when the construction in Country Club Estates would be completed. Village engineer Terry Tavera replied the contractors are working on the water main and storm sewer on Indian Hills Road and the water main is completed on top of the hill except for Brickley Drive. Next Monday the contractors will start the fine grading, and the following week they will start paving beginning on the far west end of the project near Juneau and Waubun and then work their way east.

**Approval of Village Board Minutes**

The minutes for the September 5, 2017 meeting were distributed.  
Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the village board minutes for the September 5, 2017 meeting, as submitted, and the MOTION carried without negative vote.

**Village Treasurer's Report, Vendor Report, & Payroll Overtime Report**

Trustee Petersen/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Vendor Report and Payroll Overtime Report as distributed and to place them on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

The September Village and Utility Payable list was distributed along with three additional invoices from KAS Custom Cleaning in the amount of \$895.00, US Cellular in the amount of \$20.00 and Verizon Wireless in the amount of \$156.76.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve payment of the Village and Utility payable list along with the three additional payables, as presented, and the MOTION carried without negative vote.

**General Business**

**Operator License Applications Filed by Aaron J. Carpenter (Pie High Pizza)**

There were no concerns with any of the background checks and the \$60 fee has been paid.  
Trustee Pappas/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the Operator's License for Aaron J. Carpenter, and the MOTION carried without negative vote.

**Finance Committee – President Kenny**

**Referendum Update**

Vilon provided an update on the levy limit referendum scheduled for November 14, 2017. He stated that typically the Village holds the budget public hearing on the third Monday in November, but due to the timing of the referendum and the publication requirements, that date will need to be pushed back by at least one week. There are two options for publication of the budget since staff will not yet know whether the referendum passes; the first option is to publish two budgets, one with and one without the referendum passing, or publish one budget with a disclaimer that some of the numbers could change based on the outcome of the referendum. The latter is the favored option by the League of Wisconsin Municipalities and the Village attorney and would meet all of the legal requirements. The public hearing notice would need to be published by Thursday, November 9, 2017

in order to have the public hearing on Monday, November 27, 2017.

### **Tourism Commission Update**

Due to Act 55, which was put into effect this year, the Village can only keep the amount of room tax that was collected in 2014; in 2018 the Village will only be able to keep the amount of room tax collected in 2013, and the trend will continue until 2021 when the Village can only retain the amount of room tax collected in 2010. Any room tax collected beyond what was collected in the corresponding year will have to be used for local tourism and may either be given to a local tourism entity or each municipality may establish its own Tourism Commission, which is what Fontana has opted to do. The Village is on track to collect about \$480,000 of room tax this year, and Vilona said that although it will not seem like a huge hit in the next year or two, the amount collected in 2010 was \$284,000, which will result in almost \$200,000 less in the Village's operating budget by 2021. The Village currently has a contract with the CVB and pays them 16% of the collected room tax. The Village passed an ordinance late last year establishing its own Tourism Commission and members have been appointed but have not yet met. Petersen asked how much the Village is sending to Visit Lake Geneva and Vilona replied it is all one entity now and the amount sent in 2016 was \$77,000. Pappas stated the Tourism Commission could opt not to renew the contract so no money would be sent to Visit Lake Geneva. In response to a question posed by McGreevy, the board did not believe that the room tax could be allocated to staff to offset some salaries of Village employees by having them work on tourism projects since it is all marketing and not administration.

### **2017 Budget Planning Schedule**

A list of proposed dates for the 2018 budget planning process was distributed.

### **Public Works – Trustee McGreevy**

#### **Lake Street Water Main Relay & Road Reconstruction**

Woleski Construction was the low bidder on the Lake Street Water Main Relay & Road Reconstruction project with a bid of \$450,033 and the project consists of relaying the water main and reconstructing Main Street from Third Avenue to South Lakeshore Drive and Fontana Boulevard. There was \$115,000 budgeted for the project, however, the scope of the project changed from only resurfacing Lake Street to replacing the water main relay and reconstructing the road due to the layout of the other utilities and water services to the existing buildings and businesses. Since the water main will be replaced and so much of the curb and gutter will be torn out, it makes the most sense to reconstruct the entire road. Village Engineer Terry Tavera explained there are a few options at this time: award the project and find a way to fund it in order to get the work done this fall, do not award the bid and rebid the project on a different timetable, or make an alternative arrangement with the low bid contractor and ask whether they would be willing to extend the bid and hold off until 2018 to do the work. Vilona presented options for paying for the contract since the Village only budgeted for and borrowed \$115,000. He stated the remainder of the money could be borrowed from the General fund to the Water fund but that it is not a good option as it would take away from the unassigned fund balance. Tavera said that although the project could be done as a change order to the Indian Hills project, it is a significant amount of money and typically change orders stay within 10% of the project cost and Super Excavators, the company responsible for the Indian Hills project, bid on the Lake Street project but was not the low bidder. Gordy's owner Tom Howell stated that he has to replace the fuel system at Gordy's and has to put in new tanks and lines and would like to find a way to not have to dig up the street twice and would like the project completed before the boating season begins in April and indicated the fall window works best for his business. O'Neill asked whether it would be possible to cut the road open where Gordy's gas tanks and lines need to be replaced, sleeve it for the water main for the future so it does not have to be dug up twice, and then run the concrete lower so it can be capped later, and said as long as the elevation is lower it should be fine and another lift could go on top of it. The road could be paved next spring or fall and it would be a smaller project, however Pappas pointed out it would make the project more expensive by doing it in two sections. Tavera stated the village could consider just doing the water main and concrete now so half of the work would be completed in 2017, and the rest of the work in the spring in 2018. McGreevy clarified that with the water project the street will still be torn up, however, temporary asphalt or temporary concrete could be laid until the reconstruction takes place. Since state statute mandates that contracts cannot be broken up, Thorpe asked if it could be looked at

based on priority of safety issues or compelling needs of the Village. Whowell does not have permits from the state yet as the gas tanks must not be in use in order to apply to abandon them and stated he will probably start the project around November. Tavera suggested asking whether the contractor would be willing to hold the bid and just act on the water portion now, and hold off doing everything else until next year either in spring or fall. For timing purposes and for lakefront property owners, Thorpe stated the board may need to hold a special meeting in order to try to move quickly.

#### **Mohr Road Reconstruction Payment Withholding Recommendation**

Tavera recommended withholding \$12,299.25 from the Odling Construction Application for Payment No. 2 for the Mohr Road Reconstruction project which was approved at last month's meeting. The Village engineers reviewed the work site along with Village staff and were not satisfied with the quality of the asphalt surfacing. Odling Construction has been notified of the issue but has not yet responded.

Trustee Livingston/Trustee McGreevy 2<sup>nd</sup> made a MOTION to withhold \$12,299.25 for Bid Item No. 16 from the Odling Construction Application for Payment No. 2 for the Mohr Road Reconstruction project for unsatisfactory surface asphalt work, and the MOTION carried without negative vote.

#### **Change Order No. 1 for 2017 Road Reconstruction and Drainage Improvements Project**

There was an increase in the contract price in the amount of \$150,343.59 for the 2017 Road Reconstruction and Drainage Improvements project due to unforeseen underground utilities on Juneau Drive and the addition of storm sewer extension on Odsila Way. The water main relay was extended to Brickley Drive due to poor condition and there was a reduction to the contract price for Village provided materials. Pappas stated the portion of the change order for Odsila Way is to accommodate a homeowner who built their home on a spring and pumps 300 gallons of water per hour and has no real benefit to the Village other than that the water will not be going on the street. Pappas stated the homeowner should be given the option to pay for the storm water extension but it is not fair to pass the cost on to the taxpayers.

Trustee Pappas/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve Change Order No. 1 for the 2017 Road Reconstruction and Drainage Improvements Project, less \$13,246.40 for the Odsila Way Storm Sewer Extension project, and the MOTION carried without negative vote.

#### **Payment Recommendation No. 2 for 2017 Road Reconstruction and Drainage Improvement Project**

Contractor's Application for Payment No. 2 was submitted by Super Excavators, Inc. for the Road Reconstruction & Drainage Improvements project in the amount of \$431,944.58. The application for payment has been reviewed by the Village engineer and is recommended for approval.

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION to approve the \$431,944.58 pay request submitted by Super Excavators, Inc. for the Road Reconstruction & Drainage Improvements contract, and the MOTION carried without negative vote.

#### **Payment Recommendation No. 3 for the CTH B Water Main Extension Project**

Contractor's Application for Payment No. 3 was submitted by Globe Contractors, Inc. for the County Highway B Water Main Extension project in the amount of \$41,733. The application for payment has been reviewed by the Village engineer and is recommended for approval.

Trustee McGreevy/Trustee Prudden 2<sup>nd</sup> made a MOTION to approve the \$41,733 pay request submitted by Globe Contractors, Inc., for the County Highway B Water Main Extension Project contract, and the MOTION carried without negative vote.

#### **Adjournment**

Trustee McGreevy/Trustee O'Neill 2<sup>nd</sup> made a MOTION at 6:37 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk.

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be kept on file at the Village Hall.

APPROVED: 11/06/17